

Fax Cover Page

Date: 2/26/2017

Time: 7:58:30 PM

Pages: 13

To: U.S. Department of Justice

Attn.: Director, Office of Information Policy (OIP)

From: Brian David Hill

Fax ID: 276-790-3505

Freedom of Information Act Appeal - Letter for OGIS Mediation Services

**FOIA APPEAL TO:
U.S. DEPARTMENT OF JUSTICE
1) Office of Government Information
Services (OGIS) - Requesting Mediation**

**OGIS FACSIMILE TRANSMISSION
CC: Office of Information Policy (OIP) Fax: (202) 514-1009
--Letter to OGIS with evidence attached--
REVISED FOR OGIS FACSIMILE TRANSMISSION
*****Freedom of Information Act Appeal*****
APPEAL and Response to FOIA Request to Executive Office for
United States Attorneys- Re: FOIA-2016-03570
Friday, February 24,2017- 04:41PM**

Declaration signed and executed on February 26, 2017

URGENT

RECEIPT CONFIRMATION
REQUESTED

URGENT

RECEIPT CONFIRMATION
REQUESTED

**--Letter to OGIS with evidence attached--
REVISED FOR OGIS FACSIMILE TRANSMISSION**

*******Freedom of Information Act Appeal*******

**APPEAL and Response to FOIA Request to Executive Office for
United States Attorneys – Re: FOIA-2016-03570**

Friday, February 24, 2017 - 04:41 PM

ATTN: Christa Lemelin

ATTN: Office of Government Information
Services (OGIS)

National Archives and Records
Administration (NARA)

8601 Adelphi Road-OGIS

College Park, Maryland 20740-6001

Phone: (202) 741-5773

Fax: (202) 741-5769

Dear Christa Lemelin of the Office of Government Information Services (OGIS),

I called around 2:40PM and am grateful that I got to spoke with you regarding my request for mediation services at OGIS concerning my FOIA Request over my discovery packet of evidence. The reason I filed the FOIA Request is because my own defense Attorney Eric David Placke (Assistant Federal Public Pretender) sabotaged my case and made sure that I would not be allowed to see my entire discovery packet of evidence used in my criminal case, and made secret rules against me that I could not be allowed to make a photocopy of any papers that were going to be used against me in a public Jury Trial. That was one of the reasons I risk being charged with perjury (under Rule 11 of the Federal Rules of Criminal Procedure). Because of that I have tried to fight to prove my Actual Innocence outside of the U.S. District Court. My plan was to file a FOIA Request for all the evidence in my discovery packet that was used against me, use the evidence to demonstrate my actual innocence to U.S. President Donald J. Trump and ask that he grant me a full Presidential pardon on the basis of my actual innocence.

So I filed the FOIA Request and only received partial of what was in my original discovery evidence packet that is still at the Office of my second Court appointed Public Pretender, Attorney John Scott Coalter.

It is good that you brought up the policy that you talked about in regards to the U.S. Attorney Office, that once a case is closed, all evidence is returned back to the agencies that conducted the original investigation in my criminal case.

However the stuff that I did receive in my FOIA Response envelope (packet of

papers) along with they're letter to me, contains photocopies of various things including the Mayodan Police Report on myself, that shows it is still in the U.S. Attorney Office records.

So the U.S. Attorney was supposed to return all of the used evidence back to the investigating agencies, yet I got a copy of the Mayodan Police Report and even Mayodan Police photos which proves that the U.S. Attorney is still holding on to the evidence that they originally used in the Grand Jury indictment of myself.

So why are they keeping the evidence, then according to policy they are supposed to forward it back to the investigating agencies, but certain exculpatory evidence was selectively removed from the U.S. Attorney Office while retaining other evidence that was used against me? Either they are selectively enforcing their own policies, or they simply wanted to remove evidence that they fear would be subject to my FOIA Request, so they removed evidence before the paralegal walked down there to look at their records in accordance with my FOIA Request.

The U.S. Attorney was made aware in various faxes and mailings that I intend to prove my actual Innocence, need access to the discovery material to help prove my Innocence, and that I want to withdraw my false guilty plea by proving my actual Innocence. So they selectively keep evidence that I did not point out was invalid, yet the evidence that I found holes in the facts were disappeared after my false guilty plea agreement and various faxes to the U.S. Attorney Office.

This FOIA Request has now become, my way of proving that the U.S. Attorney has covered up or concealed records that would lead to case dismissal, but yet kept certain other records. It doesn't sit right with me, what you told me about the U.S. Attorney's Office policies as it either is selectively enforced or they aren't following their own evidence retention policies or they just wanted to cover up certain records.

So if the U.S. Attorney in Greensboro, NC, prior to my FOIA Request, was supposed to transfer the evidence back to the investigating agencies in my case, then why did they keep the police report with a typed-up version of my false confession with only a selective number of questions and answers (while my false confession lasted over an hour), yet the very same confession audio in the records have disappeared before my FOIA Request was answered.

If you are right about U.S. Attorney policies regarding retention of evidence used in my criminal case, the very heart of my FOIA Request for my entire discovery packet of evidence that was originally used against me (which I wasn't permitted access to until I was forced into falsely pleading guilty under Oath putting me at risk of perjury, before I can even review my entire discovery packet of evidence), then they are contradicting their own policies, doing whatever the heck they want without facing any consequences.

The actions of the U.S. Attorney Office in concern with my FOIA request, contradict their policy regarding retention of evidence used against me, and may be selectively enforced because the disappeared evidence turns out to prove my confession to be false at a later time and proves coercion. Yet I am not permitted access to the very evidence that was used against me in Court, caused me to falsely plead guilty under Oath which is perjury, putting me at risk of perjury for no reason at all. I think the U.S. Attorney should be charged with subornation of perjury or even my Public Defender should be charged for withholding evidence from me, then the FOIA Response shows partial evidence that was used against me while other evidence has simply disappeared. At this point, I should not be charged with perjury since it is the U.S. Attorney covering up records before the response to my FOIA Request. It all seems to be that no matter what law I use, no matter what requests I make, the U.S. Attorney will never let me get access to the evidence and will never let me prove my actual innocence.

Here is a copy of some of the papers I had received from my FOIA Request, from their response to my FOIA Request:

Brian D. Hill
Signed
U.S.W.G.O.

Thank You & Sincerely,
Brian D. Hill
Former news reporter & Founder of USWGO Alternative News
Home Phone #: (276) 790-3505
310 Forest Street, Apt. 2. Martinsville, VA 24112

Declaration of Evidence Attachments to above Letter

Friday, February 24, 2017 - 06:06 PM EST

Declaration authorized by Title 28 U.S.C. § 1746

I, Brian David Hill, declare pursuant to Title 28 U.S.C. § 1746 and subject to the penalties of perjury, that the following is true and correct:

- 1. Whereas, I am a Defendant in the United States District Court, for the Middle District of North Carolina, case # 1:13-cr-435-1, titled: United States of America v. Brian David Hill, and I am pushing for a Presidential Pardon on the basis of Innocence. I am not a licensed attorney, but I am slowly learning more about the Federal Rules and filing procedures as I was not being represented by any of the Court Appointed lawyers in the past for trial Defense under the adversarial system, See U.S. Supreme Court Case Strickland v. Washington, 466 U.S. 668 (1984).**
- 2. My own Assistant Federal Public Defender (Pretender) Eric David Placke secretly signed a discovery agreement saying that I cannot get access to the discovery evidence that was used against me except only through my Attorney, and my court appointed Attorneys has a vested interest to keep me wrongfully convicted and never want me to prove my Actual Innocence.**
- 3. I filed a FOIA Request to the Executive Office for U.S. Attorneys for the purpose of requesting all evidence from my discovery packet outside of the secretive discovery rules that were agreed upon by my Public Pretender and the U.S. Attorney Office. I was told I couldn't photocopy anything and I wasn't even permitted to the secretive discovery agreement signed by my own Public Pretender. I don't even know if it even exists as I have never seen it.**
- 4. On February 18, 2017, I had received the FOIA Response letter (FOIA Request No. FOIA-2016-03570) dated February 16, 2017, as well as the enclosed packet of papers that were attached to the letter, from Assistant Director Kevin Krebs, of the Freedom of Information and Privacy Staff working for the 'Executive Office for United States Attorneys' (EOUSA) of the U.S. Department of Justice (U.S. DOJ). On February 19, 2017, myself, Stella Forinash, Kenneth Forinash, and Roberta Hill reviewed over the papers on the table. We saw a portion of the original evidence that was used against me by the U.S. Attorney, as per my FOIA Request, but a select number of records of evidence were not included in the FOIA Response envelope. Some of the copy of records that I did get in regards to my FOIA Request (FOIA-2016-03570) looked similar to the records that I had reviewed in my Discovery packet of evidence at Attorney John Scott Coalter's office on January 22, 2015, months after my final conviction on November 12, 2014. The Police Report also mentions about a full audio copy of my confession (which I can prove to be a**

false confession). A copy of Mayodan Police Department photos and even pages from the seized items Inventory. All of that was in the packet of papers that I had received from the FOIA Office of the Executive Office for U.S. Attorneys (EOUSA).

However the information and records that are missing from the envelope is the "confession audio cd" and the SBI case file aka the "SBI forensic report" that was originally used against me, and I am fully aware that it is in the U.S. Attorney's records since the Grand Jury indictment of myself. The SBI report and my confession audio cd burned by Mayodan PD Detective Christopher Todd Brim was not included in the FOIA papers packet, even though it was in my discovery packet at Mr. Coalter's Office. So what was originally used against me, may have been selectively removed from the U.S. Attorney's Office prior to my FOIA Request, since I had also faxed a copy of my FOIA Request (sent to EOUSA) to the U.S. Attorney which I have proof of. So the U.S. Attorney was aware that I wanted a copy of the confession audio and SBI forensic report, to help prove my actual Innocence, which is the purpose of my FOIA Request, so that I can get off of the Virginia Sex Offender Registry for the crime that I did not commit, and gave a false confession to because of my Autism and Obsessive Compulsive Disorder (OCD). I cannot prove my Innocence without access to the original or a copy of the entire evidence packet of what was used against me by the U.S. Attorney. My FOIA Request was a way to request a discovery and determine whether I can prove my actual Innocence to the Honorable U.S. President Donald J. Trump, for a pardon of Innocence.

Enclosure/Attachments:

5. Attached hereto as Exhibit 1, is a true and correct copy of Page 12 paper of the "Case Supplemental Report" by Mayodan Police Department, printed on 10/14/2013. This Exhibit is only 1-Page and proves that the U.S. Attorney still holds onto records concerning the investigation of myself "Brian David Hill" and further proves the existence of the "confession audio" copy which would have be stored on a tangible medium such as an audio tape or audio CD. In my case it was an audio CD with digital audio of my confession that was made on August 29, 2012. The source of this Exhibit comes from the packet of papers in response to my FOIA Request # FOIA-2016-03570.
6. Attached hereto as Exhibit 2, is a true and correct copy of Page 2 of the INCIDENT/INVESTIGATION REPORT that was originally released by Mayodan Police Department to the custody of the U.S. Attorney Office in Greensboro, NC. The source of this Exhibit comes from the packet of papers in response to my FOIA Request # FOIA-2016-03570.
7. Attached hereto as Exhibit 3, is a true and correct copy of the Interview/Miranda

Warning Form, by Mayodan Police Department, that originally was used against me and was copied to be in the discovery packet of papers. I was not given my entire Miranda Warning (as deceptively shown on that paper) until after my false confession. It does say that the time of that document was 11:20 which is around a conventional suspect's lunch time. A diabetic being questioned around lunch time cannot assert their Constitutional right to remain silent and can be easily suggestible. The source of this Exhibit comes from the packet of papers in response to my FOIA Request # FOIA-2016-03570.

8. I have proven with the three Exhibit attachments, that there is a audio copy of my false confession, that the Mayodan Police Report is still in the records of the U.S. Attorney and was not transferred back there as an investigative agency. I can also find the other police report page where it talks about a SBI Agent being involved. It think it is strange that the U.S. Attorney Office still has the evidence that was used against me in my criminal case, yet certain records could not be located pursuant to my original FOIA Request.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 26, 2017.

Brian D. Hill
Signed

Signed

Brian David Hill(Pro Se)

Former news reporter & Founder of USWGO Alternative News

Home Phone #: (276) 790-3505

310 Forest Street, Apt. 2. Martinsville, VA 24112

U.S.W.G.O.

EXHIBIT 1

CASE SUPPLEMENTAL REPORT
NOT SUPERVISOR APPROVED

Printed: 10/14/2013 10:36

Mayodan Police Department

OCA: **201200287**

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Case Status: *FURTHER INVESTIGATION*

Case Mng Status: *ACTIVE*

Occured: *08/22/2012*

Offense: *SECOND DEGREE SEXUAL EXPLOITATION OF A MINOR*

Investigator:	(B)(6)	Date / Time: <i>08/29/2012 10:00:00, Wednesday</i>
Supervisor:	(B)(7)(c)	Supervisor Review Date / Time: <i>NOT REVIEWED</i>
Contact:	(B)(7)(d)	Reference: <i>Investigative Progress</i>
<i>101 North 3rd Avenue, Mayodan</i>		

On Wednesday, August 29, 2012 at 1000 hours, [REDACTED] interviewed Roberta Ruth Hill and Brian David Hill at the Mayodan Police Department. Roberta's statement was typed and signed. A full audio copy and a typed, signed statement was given by Brian Hill.

EXHIBIT 2

INCIDENT/INVESTIGATION REPORT

Page 2

Mayodan Police Department

OCA

2012-00287

Status Codes L = Lost S = Stolen R = Recovered D = Damaged Z = Seized B = Burned C = Counterfeit / Forged F = Found																
D R U G S	DCI	Status	Quantity	Type Measure	Suspected Type			Check up to 3 types of activity for each								
								Possess	Buy	Sale	Mfg	Importing	Operating			
O F F E N D E R	Offender Used			Offender 1			Offender 2			Offender 3			Primary Offender Resident Status <input checked="" type="checkbox"/> Resident <input type="checkbox"/> Non-Resident <input type="checkbox"/> Unknown			
	Alcohol/Drugs <input type="checkbox"/> Yes <input type="checkbox"/> Unk <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A			Age: 22 Race: W Sex: M			Age: 45 Race: W Sex: F			Age: Race: Sex:						
S U S P E C T	Computer <input type="checkbox"/> Yes <input type="checkbox"/> Unk <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A			Offender 4			Offender 5			Offender 6						
				Age: Race: Sex:			Age: Race: Sex:			Age: Race: Sex:						
	Name (Last, First, Middle) HILL, BRIAN DAVID						Also Known As			Home Address 413 North 2nd Avenue, Mayodan NC						
	Occupation DISABLED						Business Address									
	DOB. / Age		Race	Sex	Hgt	Wgt	Build	Hair Color	Hair Style	Hair Length	Eye Color	Glasses				
	05/23/1990 / 23		W	M	600	185		BLO				BLU				
	Scars, Marks, Tattoos, or other distinguishing features (i.e. limp, foreign accent, voice characteristics)															
	Hat		Jacket		Shirt/Blouse		Tie/Scarf		Coat/Suit		Pants/Dress/Skirt		Socks		Shoes	
	Was Suspect Armed?		Type of Weapon					Direction of Travel				Mode of Travel				
	VYR	Make	Model	Style		Color		Lic/Lis		Vin						
WIT NESS	Name (Last, First, Middle)						D.O.B.		Age	Race	Sex	Mobile Phone				
	Home Address						Home Phone		Employer			Phone				
Suspect Hate / Bias Motivated: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Unknown (Offender's motivation not known)																
N A R R A T I V E																

(B)(6)

(B)(7)(c)

(B)(7)(d)

(B)(7)(e)

EXHIBIT 3

Mayodan Police Department

Interview/Miranda Warning Form

MPD-510

Name (W / S / V) S	Brian David Hill	Special Features	Scar on left thumb
Home Address	413 North 2nd Avenue, Mayodan	Occupation	Unemployed
Phone Number	336-510-7972	Employment Time	N/A
Social Security Number	/ /	Work Phone Number	N/A
License Number/State	38360908 / NC	Marital Status	Single
Date of Birth	May 26, 1990	Spouse's Name	N/A
Place of Birth	Orlando, Florida	Next of Kin	Roberta Hill (Mother)
Age / Sex / Race	22 / M / W	Interview Location	Mayodan PD
Height / Weight	600 / 193	Interviewer	[REDACTED]
Build / Complexion	Medium / Fair	Date / Time	08/29/2012 / 1120
Hair / Eye Color	Blonde / Blue	OCA#	2012-00287

(B)(7)(c)

(B)(7)(d)

Miranda Warning

- A. You have the right to remain silent.
- B. Anything you say can and may be used against you.
- C. You have the right to talk to a lawyer, and to have a lawyer present while you are being questioned.
- D. If you want a lawyer before or during questioning, but cannot afford to hire a lawyer, one will be appointed to represent you at no cost before you answer any questions.
- E. If you are under the age of eighteen (18), you have the right to have a parent, guardian, or custodian present during questioning. Juveniles 14 or older may request that parents not be present during questioning.
- F. If you answer questions now without a lawyer present, you still have the right to stop answering questions.
- G. Do you understand each of these rights I have explained to you? Yes ___ No ___
- H. Having these rights in mind, do you now wish to answer questions? Yes ___ No ___
- I. Do you now wish to answer questions without a lawyer present? Yes ___ No ___
- J. Do you wish to answer questions without a parent or guardian present? Yes ___ No ___
- K. Do you consent to having your photograph taken for investigative purposes? Yes ___ No ___

Waiver of Rights

I understand my rights as indicated above. Each right was explained by a law enforcement officer. Having each of my rights in mind, I do not wish to have a lawyer, parent or guardian present at this time. I knowingly and willingly waive my rights, and agree to answer any questions and/or make a statement.

Signed: _____ Date: ____/____/____ Time: _____ AM/PM

Witnessed by: _____ Date: ____/____/____ Time: _____ AM/PM

☒ Non-Custodial Interview

☐ Custodial Interview